

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kevin Haymore,

Plaintiff,

v.

ORDER

Civil No. 21-1356 (MJD/ECW)

Kevin Torgerson, Olmsted County
Sheriff, John Manllman, Food Server
Supervisor, and Kim Norton, Mayor
Or Rochester, Individually and in
Their Official Capacities,

Defendants.

This matter is before the Court on the Order and Report and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated July 16, 2021 recommending the Court dismiss all federal claims for failure to state a claim and to dismiss the state law claims for lack of jurisdiction. [Doc. No. 7] Plaintiff did not object to the Report and Recommendation, but filed an “Amended Complaint” that is identical to the first filed Complaint.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, and in

consideration of the applicable law, the Court will adopt the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED that:

1. This matter is DISMISSED WITHOUT PREJUDICE as follows:
 - a. The claims brought under federal law is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915A(b).
 - b. The claims brought under state law is DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.
2. The applications to proceed *in forma pauperis* of plaintiff Kevin Haymore [Doc. Nos. 2 and 4] are DENIED.
3. The Clerk of Court shall provide notice to the authorities at the institution where Haymore is confined of the requirement that, consistent with 28 U.S.C. § 1915(b), Haymore is to pay the remainder of the filing fee owed in this matter (\$330.00).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: August 5, 2021

s/Michael J. Davis

Michael J. Davis

United States District Court